

MINUTES
SAN DIEGO COUNTY PLANNING COMMISSION
Regular Meeting – August 28, 2009
DPLU Hearing Room, 9:00 a.m.

The meeting convened at 9:02 a.m. and adjourned at 10:20 a.m.

A. ROLL CALL

Commissioners Present: Beck, Brooks, Norby, Pallinger, Riess, Woods

Commissioners Absent: Day

Advisors Present: Lantis, Sinsay (DPW); Taylor (OCC)

Staff Present: Baca, Grunow, Lubich, Murphy, Ramaiya, Rosenberg, Rowan, Slovick, Jones (recording secretary)

B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of August 14, 2009

Action: Riess - Pallinger

Approve the Minutes of August 14, 2009.

Ayes: 6 - Beck, Brooks, Norby, Pallinger, Riess, Woods
Noes: 0 - None
Abstain: 0 - None
Absent: 1 - Day

C. Public Communication: Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's Agenda.

None.

D. Announcement of Handout Materials Related to Today's Agenda Items

E. Requests for Continuance

F. Formation of Consent Calendar (Items 1, 3 and 4)

P08-046, Agenda Item 1:

1. Rutherford Peak Wireless Telecommunications Facility, Major Use Permit P08-046, Julian Community Plan Area

Requested Major Use Permit to allow the construction and operation of an unmanned wireless telecommunications facility at 2973 Volcan Mountain Ranch Road in the Julian Community Plan Area. The proposed facility consists of 12 panel antennas mounted at a height of 108 feet to an existing 201' tall communications tower. Associated equipment will consist of six equipment cabinets, one telephone interface, one GPS antenna and one electric meter panel, and would be enclosed by an existing 18,225 square-foot concrete building. The project would occupy 400 square-feet of the 11.81-acre parcel.

Staff Presentation: Lubich

Proponents: 1; **Opponents:** 0

This Item is approved on consent.

Action: Beck - Riess

Grant Major Use Permit P08-046, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in manner consistent with the Zoning Ordinance, the Noise Ordinance and State Law.

Ayes:	6 -	Beck, Brooks, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Day

P05-006, Agenda Item 2:

2. Wintergardens Wireless Telecommunications Facility, Major Use Permit P05-006, Lakeside Community Plan Area

Requested Major Use Permit to authorize the construction and operation of an unmanned wireless telecommunication facility at 8602 Sky Rim Drive in the Lakeside Community Plan Area. The proposed facility consists of nine panel antennas mounted to an existing 38' tall water tank, and associated equipment. The equipment would be enclosed in an underground vault.

Staff Presentation: Lubich

Note: Due to a brief absence from today's hearing, Commissioner Riess announces that he will not vote on this Item.

Proponents: 1; **Opponents:** 13

Discussion:

Following Staff's presentation and recommendation that the Planning Commission approve this Major Use Permit, the applicant's representative informs the Planning Commission that four sites were evaluated and this site meets their requirements best. The applicant's representative believes all concerns raised by those opposed to the proposal have been resolved.

Neighboring property owners voice concerns about the applicant's inability to provide emergency service due to lack of an emergency generator, possible impacts on community character, property values and traffic, concerns about radio frequency (RF) emissions, and fears that a commercial venture will be allowed in this residential area. Project opponents also contend that the applicant lacks legal access to the project site, in that Sky Ranch Drive is a private road that cannot be used for access by a privately held company. However, Staff's report contains a grant deed allowing access to the project site via a partial easement over Sky Ranch Drive. Staff's research indicates that the required Findings necessary to approve this Major Use Permit can be made, based on the survey plat and recorded grant deed.

P05-006, Agenda Item 2:

Chairman Woods reminds the project opponents that discussions regarding who is entitled to easement rights are not within the Planning Commission's purview; Commissioner Riess reminds the project opponents that resolution of easement ownership can only be determined by the courts. He further explains that the decision becomes even more difficult if the easement has been open and dedicated to public use for five years.

To address the lack of a back-up generator that would allow continuation of service during an emergency, the Planning Commissioners direct the applicant to provide extended battery power. Commissioner Pallinger notes that the new proposal to underground and recess the equipment structure, and relocate the antenna improves the project and resolves many of the project opponents' initial concerns. Unfortunately, issues regarding the easement and RF emissions are, as previously stated, outside the Planning Commission's jurisdiction.

Action: Pallinger - Norby

Grant Major Use Permit P05-006, which makes the appropriate Findings and includes those requirements and Conditions - including Staff's new Condition "E" regarding use of the existing road easement - necessary to ensure that the project is implemented in manner consistent with the Zoning Ordinance, the Noise Ordinance and State Law. The applicant is also required to provide a minimum of 10-hour battery back-up.

Ayes:	6 -	Beck, Brooks, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Day

GPA 08-008, SPA 08-005,
SPA 08-006, R08-007 &
VAC 08-002, Agenda Item 3:

3. Fairbanks Ranch Fire Station, General Plan Amendment (GPA) 08-008, Specific Plan Amendments (SPAs) 08-005 and 08-006, Zone Reclassification R08-007, Open Space Vacation (VAC) 08-002, San Dieguito Community Plan Area

Requested General Plan Amendment, Specific Plan Amendments, Zone Reclassification and Open Space Vacation to remove the existing Fairbanks Ranch Fire Station operated by the Rancho Santa Fe Fire Protection District and construct a new fire station. The General Plan Amendment proposes to revise the boundaries and acreages of the Fairbanks Ranch and El Apajo Specific Plans in the San Dieguito Community Plan and provide detailed development criteria for the fire station. The two Specific Plan Amendments propose to revise Texts and exhibits to address the exchange of 0.45 acres of area from the Fairbanks Ranch Specific Plan to the El Apajo Specific Plan. The project site is located at 6424 El Apajo Road in the San Dieguito Community Planning Area.

Staff Presentation: Slovick

Proponents: 3; **Opponents:** 0

This Item is approved on consent.

Action: Beck - Riess

Recommend that the Board of Supervisors:

1. Adopt the Resolution approving GPA 08-008;
2. Adopt the Resolution approving SPA 08-005;
3. Adopt the Resolution approving SPA 08-006;
4. Adopt the Resolution of Vacation of Street, Highway or Public Service Easement for the Fairbanks Ranch Fire Station, VAC 08-002); and

GPA 08-008, SPA 08-005,

SPA 08-006, R08-007 &

VAC 08-002, Agenda Item 3:

5. Adopt the Form of Ordinance changing the zoning classification of certain property in the San Dieguito Community Plan Area, Ref. R08-007.

Ayes: 6 - Beck, Brooks, Norby, Pallinger, Riess, Woods

Noes: 0 - None

Abstain: 0 - None

Absent: 1 - Day

TM 5304R, Agenda Item 4:**4. Director's Preliminary Decision Approving Revised Tentative Map TM 5304R, Airway Business Center, Otay Subregional Plan Area**

The Director of Planning and Land Use has made a preliminary decision to approve a Revised Tentative Map (TM 5304R) that modifies a previously approved Tentative Map (TM 5304). Pursuant to the Subdivision Ordinance, the Director's preliminary decision is docketed with the Planning Commission to allow the Commission, either on its own initiative or at the request of an interested person, to set the matter for a public hearing. If the Commission does not do so, the Director's preliminary decision will become final as a Planning Commission decision.

Revised Tentative Map proposes to incorporate changes made to the East Otay Mesa Specific Plan in August 2007. The approved Specific Plan Amendment (SPA 06-003) and General Plan Circulation Element Amendment (GPA 06-013) made changes to the road network in the Specific Plan. To bring TM 5304 into compliance with those changes, the revised map eliminates Michael Faraday Road and consolidates and re-configures the previously approved 18 lots into 5 lots. The Specific Plan designates this project site, located north of Airway Road, east of Sanyo Avenue, and west of Enrico Fermi Drive in the Otay Subregional Planning Area, as Light Industrial.

Staff Presentation: Rosenberg

Proponents: 0; **Opponents:** 0

This Item is adopted on consent.

Action: Beck - Riess

Adopt the Director's decision to approve Revised Tentative Map 5304R.

Ayes:	6 -	Beck, Brooks, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Day

Administrative:

G. Report on actions of Planning Commission's Subcommittees.

None.

H. Discussion of correspondence received by Planning Commission.

None.

I. Scheduled Meetings (2009):

September 11, 2009

Regular Meeting, 9:00 a.m., DPLU Hearing Room

There being no further business to be considered at this time, the Chairman adjourned the meeting at 10:20 a.m. to 9:00 a.m. on September 11, 2009 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.